RESPONSE UNDER 37 C.F.R. § 1.116
EXPEDITED PROCEDURE
GROUP ART UNIT 2152
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/653,033	§	Examiner: Hussain, Tauqir
Filed: August 29, 2003	§	Group/Art Unit: 2152
	§	Atty. Dkt. No: 5681-71000
Inventor(s): King, et al.	§	
Title: TRANSFERRING SYSTEM IDENTITIES	§	

REQUEST FOR PRE-APPEAL BRIEF REVIEW

ATTN: BOX AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant requests review of the final rejection in the above-identified application. Applicant is in receipt of the Office Action of December 7, 2007. Claims 1-10, 12-28, and 30-36 are now pending in the application. Reconsideration of the present case is earnestly requested in light of the following remarks. Please note that for brevity, only the primary arguments directed to the independent claims are presented.

Regarding claim 1, Bell in view of Lee fails to teach or suggest **the first host system transferring the encoded host identity to the second host system and removing the host identity from its repository**. With respect to this feature, the Office Action relies on MVS_1 and MVS_2 hosts of Bell, and more particularly to column 2, lines 47-53. Applicant first notes that the claim language clearly requires that the first host perform transferring of the encoded host identity to the second host system and removing the host identity from its repository. The cited portion (and indeed Bell in general) relates to IP address management when failover occurs by a first host system. Thus, in Bell, when a first host fails (e.g., MVS_1) IP traffic may be rerouted to a second host (e.g., MVS_2). More specifically, the cited portion recites:

> FIG. 2 depicts the process for host identity takeover when the host MVS_[1] (101) is taken down or fails (201). When the operator of an alternate host, in this case MVS_2 (103), learns that the original host, MVS_1 (101) has stopped

> working or has been taken out of service, he dynamically configures the VIPA address (VIPA_A) which previously resided on host MVS_1 to now reside on MVS_2.

Thus, the cited portion teaches that the second host may take over an IP address when a first host fails. Applicant respectfully submits that this is simply not pertinent to **the first host system** transferring the encoded host identity **to the second host** and **removing the host identity from its repository**. Bell nowhere indicates that the first host transfers the host identity to the second host nor does Bell even mention a repository, much less the first host removing the host identity from its repository. Instead, Bell teaches away from this behavior as the second host only begins to use the VIPA address when the first host fails. Accordingly, the first host cannot transfer (or encode) a host identity to the second host and then remove the host identity from its repository as the only time it would do this is if it failed, thereby making it impossible for the first host to perform these steps. In other words, once the first host in Bell fails, it is simply incapable of performing the steps recited in present claim 1.

Applicant notes that the Office Action and Advisory Action asserts that executing the obeyfile "means removing host identity from first host and adding the associated ID to second host". However, Bell nowhere indicates that executing this obeyfile entails the first host transferring the encoded host identity to the second host and the first host removing the host identity from its repository. **As already argued above, these teachings appear impossible in Bell as the first host has failed at this point, and cannot perform the transfer or removal**. Applicant notes that the Advisory Action simply ignores this argument.

Regarding claim 1, Bell in view of Lee fails to teach or suggest **the first host system encoding the host identity to be transferred using a parameter**. The Office Action admits that Bell fails to teach this limitation and instead relies on paragraph [0008] of Lee, which teaches that a registration request message of a user computer may be received, and in response, an encoded message which indicates permission of the address registration may be transmitted. However, in this case the message is encoded by a DHCP server and transmitted to a client computer. The DHCP server assigning an IP address from a bank of available IP addresses does not correspond to a first server transferring a host identity to a second server. Similarly, Bell in view of Lee fails to teach or suggest **the second host system, which also includes a host identity repository, decoding the host identity using the parameter**.

With further regard to claim 1, the Office Action fails to provide a proper reason to combine Bell and Lee. The Office Action provides the following reason to combine the references:

> Therefore, it would have been obvious to one ordinary skilled in the art at the time the invention was made to combine the teachings of Lee "encoding and decoding the host identity using the parameter" with the teachings of Bell in order to provide a system for assigning an IP address using agents in a zero [configuration] network by encoding addresses for secure transmission.

Applicant first notes that the teachings of Lee relate to dynamically assigning an IP address for a user computer and are unrelated to the transfer of host identities between host systems. Furthermore, the provided motivation merely summarizes Lee / the result of the combination and does not provide any reason to combine the references. Additionally, the encryption of IP addresses does not make sense with respect to Bell. For example, Bell specifically teaches that a systems administrator is required to configure the virtual IP address on the backup host (see column 2, lines 23-25, "Should the host upon which the virtual IP address reside fail, then the virtual IP address can be configured by a systems administrator to reside on a backup host"; see also, column 3, lines 11-35 where the operator of the host is required to notify clients of address changes). Making an administrator or operator of a host unencode the IP address for configurations would place an unnecessary burden on the administrators / operators.

Regarding claim 17, Bell in view of Lee and Hopprich fails to teach or suggest **the first host system transferring the encoded host identity to the administrator system and removing the host identity from its repository**. With respect to this feature, the Office Action relies on Bell, column 3, lines 4-11. This portion describes Figure 3, which illustrates the network of Figure 1 after MVS_1 has failed and been removed from the network (where VIPA_A traffic is handled by MVS_2). There is no indication in this section of an administrator system, the first host system transferring the encoded host identity to the administrator system, or the first host system removing the host identity from its repository. As already argued above, and explicitly stated in the cited paragraph ("after MVS_1 has failed or been taken out of service"), MVS_1 does not transfer the host identity or remove the host identity from its repository as it is "failed or out of service". Furthermore, no administrator system is described in Bell.

Additionally, Bell in view of Lee and Hopprich fails to teach or suggest **the administrator system decoding the host identity to be transferred using the first parameter, and buffering the host identity to be transferred**. With respect to this feature, the Office Action relies on Bell, column 3, lines 4-11 and column 2, lines 55-65. More specifically, the Office Action asserts "Col. 3, lines 4-11, where ID is transferred and Col. 2, lines 55-65, where router/administrator system updates it table for all associated clients [*Sic*]". As already noted, column 3 makes no mention of an administrator system, and does not teach or suggest the

administrator system decoding the host identity to be transferred using the first parameter. The Office Action seems to equate the router of described in column 2 with the administrator system of the claims. However, as one of skill in the art understands, routers route network traffic and are not "administrator systems" nor does the term "router" indicate an administrator system decoding the host identity to be transferred using a first parameter. Applicant respectfully submits that such an interpretation of the term "router" is without basis and inappropriate.

Furthermore, Bell in view of Lee and Hopprich fails to teach or suggest **the administrator system designating the second host system as a destination for the host identity to be transferred**. The Office Action again relies on Bell, column 3, lines 4-11, which as already noted above does not teach or suggest an administrator system, much less one that designates the second host system as a destination for the host identity to be transferred.

Additionally, Bell in view of Lee and Hopprich fails to teach or suggest **the administrator system transferring the encoded host identity to the second host system and removing the host identity from its buffer**. The Office Action again relies on Bell, column 3, lines 4-11, which as already noted above does not teach or suggest an administrator system, much less one that transfers the encoded host identity to the second host system and removes the host identity from its buffer. The Office Action more specifically asserts "where router is transferring/passing host identity to second host using RIP protocol". However, Applicant notes that this language is not present in the cited portion, and is instead in column 2. The relevant portion of column 2 only describes that the router may advertise routes to all routers connected to MVS_2 and makes no indication of "transferring the encoded host identity to the second host system and removing the host identity from its buffer" as required in the claim.

With further regard to claim 17, the Office Action admits that Bell and Lee fail to teach or suggest **an administrator system designating itself as an intermediate destination for the host identity allocated to the first host system, the first host system transferring the encoded host identity to the administrator system and removing the host identity from its repository**, and **the administrator system decoding the host identity to be transferred using the first parameter, and buffering the host identity to be transferred**. With respect to these features, the Office Action relies on Abstract, lines 8-12, column 9, lines 53-61, and Abstract, lines 8-20, respectively. While Hopprich teaches a DHCP server receiving requests from computer systems for network addresses and the DHCP server selecting and assigning the computer systems either a guest address or a local address, Applicant submits that Hopprich fails to teach or suggest the above-recited features. With respect to the specific citations, the Abstract discloses various methods by which a DHCP server may provide addresses to local and guest computers.

Applicant submits that (similar to previous arguments above regarding Lee), a DHCP server assigning addresses does not relate or correspond to the transfer of identity information between a first host computer and a second host computer. Instead, a DHCP server assigns addresses to computers for a list of available addresses. There is no indication that the DHCP server of Hopprich is provided as an intermediate between a first server and a second server for transfer of identification information from a repository on the first server to a repository on the second server. Furthermore, Applicant submits that the cited portion of column 9 (lines 53-61) simply do not relate to **the first host system transferring the encoded host identity to the administrator system and removing the host identity from its repository** as asserted by the Office Action. Thus, Hopprich teaches a DHCP server selecting and assigning an address from a range or set of available network addresses to a computer system that requested an address for use in the network. However, as noted above, Hopprich is not related to a system transferring a host identity that is allocated to the first system to a second system.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above-referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. The Commissioner is hereby authorized to charge any fees which may be required or credit any overpayment to Meyertons, Hood, Kivlin, Kowert & Goetzel P.C., Deposit Account No. 50-1505/5681-71000/JCH.

Also filed herewith are the following items:

☒ Notice of Appeal

Respectfully submitted,

/Mark K. Brightwell/

Mark K. Brightwell, Reg. #47,446
AGENT FOR APPLICANT(S)

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